

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY RICHARDO TURNER,

No. C 07-1553 MHP (pr)

Plaintiff,

ORDER OF TRANSFER

v.

FITHIAN TAYLOR, etc.; et al.,

Defendants.

Anthony Richardo Turner, an inmate at the Monroe Detention Center in Yolo County, filed this pro se civil rights action under 42 U.S.C. § 1983. After filing his civil rights complaint, he filed a petition for writ of habeas corpus in this action. The court issued an order of dismissal with leave to amend, explaining that it was not certain what plaintiff was trying to accomplish by filing a civil rights complaint and then a petition for writ of habeas corpus in the same action, and required Turner to file an amended complaint in which he alleged all the claims he wanted to assert in this action.


Turner then filed a form habeas petition which was a 22-page description of many problems he has experienced at the jail in Yolo County. (He also has filed more than two dozen cases in the Eastern District that appear to concern his conditions at that jail and his encounters with Yolo County law enforcement officers.) The acts and omissions complained of in the form habeas petition occurred in Yolo County, and that county is within the venue of the Eastern District of California. The viable defendants in the form habeas petition are employed at the Yolo County Jail and appear to reside in the Eastern District of California.

Venue therefore properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter.

Turner's motion for extension of time to amend his complaint is DENIED as unnecessary because he had already filed the form habeas petition mentioned above before the deadline for filing the amended pleading. (Docket # 11.) To the extent he wanted to further amend, the motion is denied because he never submitted the further amended complaint.

IT IS SO ORDERED.

Dated: July _30, 2008



Marilyn Hall Patel
United States District Judge